

REMARKS

Claims 1-22 were pending in this application as of the March 17, 2005 mailing date of the current office action, in which claim 15 is allowed and claims 7 and 11 are indicated as allowable. Claims 17-22 have been withdrawn as being directed to non-elected claims, and the remaining pending claims (1-6, 8-10, 12-14 and 16) stand rejected pursuant to one or more of 35 U.S.C. §§102, 103 and 112. Also, the current office action includes objections to the specification of this application. Applicant respectfully traverses the current rejections and objections, which Applicant submits are overcome and/or demonstrated to be inappropriate in view of at least the amendments set forth above and/or the remarks that follow.

Applicant thanks the Examiner for the courtesies extended to Applicant's undersigned representative during a May 4, 2005 telephone interview. In the interview, the cited patents and current rejections were discussed, but agreement was not reached upon allowable subject matter beyond the claims indicated as allowed/allowable in the current office action.

Election/Restriction

In a November 30, 2004 office action, the Examiner required Applicant to restrict this application by electing to prosecute one of two allegedly distinct groups of claims, namely Group I (claims 1-16) or Group II (claims 17-22). Applicant elected Group I with traverse, explaining in its December 30, 2004 response that the restriction requirement was improper. In the current office action, the Examiner acknowledges Applicant's traversal, but reiterates the restriction requirement and makes it final.

In response, Applicant cancels claims 17-22 herein without prejudice and reserves the right to seek patent protection for claims similar or identical to claims 17-22 in one or more related applications.

The Objections to the Specification

The Examiner objects to the specification because of alleged informalities located on pages 3 and 4. Applicant has amended these portions of the specification in response to the Examiner's objections, which Applicant submits have been overcome and thus should be withdrawn.

The 35 U.S.C. §112 Rejections

Claims 10 and 16 are rejected pursuant to 35 U.S.C. §112, second paragraph, as being indefinite due to their inclusion of the trademarked term DELRIN®. As indicated above, claim 10 has been canceled without prejudice and claim 16 has been amended to replace "DELRIN®" with "a polymer," thus rendering moot the 35 U.S.C. §112 rejection of claim 10 and overcoming the 35 U.S.C. §112 rejection of claim 16.

The 35 U.S.C. §§102 and 103 Rejections

Claims 1, 2, 12 and 13 are rejected pursuant to 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 5,520,075 to Barmore ("the Barmore patent"). Claims 1 and 2 also are rejected (as are claims 3, 4, 6 and 8) pursuant to 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,640,911 to Lieser et al. ("the Lieser patent"), which also forms the basis of the current rejection of claims 5, 9, 10 and 14 pursuant to 35 U.S.C. §103(a).

As noted above, claim 1 is amended (as are claims 12 and 13) to indicate that the “tip” recited therein is an “optical tip.” Neither the Barmore patent nor the Lieser patent discloses or depicts an optical tip; instead, these references pertain solely to mechanical tools, namely a socket wrench (the Barmore patent) and drilling/cutting tools (the Lieser patent). Such tools generally would not be used in connection with an optical tip, which is far more delicate and expensive than the workpieces (e.g., a screw - see reference numeral 18 in the Barmore patent and lines 9-11 of the Lieser patent) that are meant to be handled by the types of tools described in the cited references. Therefore, absent impermissible hindsight, there would have been no suggestion or motivation to one of ordinary skill in the art to apply the teachings of the Barmore patent or the Lieser patent pertaining to mechanical tools that are meant to be used on workpieces such as screws in order to produce a tip tool for connecting and disconnecting an optical tip, as called for by claim 1.

For at least this reason, claim 1 is believed to be patentable over the cited references, as are claims 2-9 and 11-14, each of which depends either directly or ultimately from claim 1 and thus includes its features.

New Claims 23 and 24

New claim 23 is a combination of the features of claims 1, 6 and 7, and new claim 24 depends from new claim 23 and incorporates the features of claim 11. Thus, these claims are allowable based on the Examiner’s indication of allowance of claims 7 and 11 in the current office action.

New claims 25-31

New claims 25-31 are directed to an additional embodiment of the present invention and are believed to be patentable because their features are neither disclosed nor suggested in the cited references.

Claim Amendments and Cancellations

Applicant has amended and canceled certain claims herein solely to expedite prosecution of this application. In doing so, Applicant does not dedicate the subject matter of the amended and/or canceled claims to the public, and does not acquiesce to the Examiner's reason(s) offered in support of the rejections of the amended and/or canceled claims. In the case of claims 17-22, Applicant's cancellation thereof does not indicate acquiescence to the restriction requirement affecting these claims, or to the reasons currently and previously offered in support of the restriction requirement. Applicant also reserves the right to seek patent protection for claims similar or identical to the amended and/or canceled claims in one or more related applications.

Conclusion

In view of at least the amendments and/or remarks above, claims 1-9 and 11-16 are believed to be patentable over the various combinations of references currently cited by the Examiner, and are likewise believed to meet the requirements of 35 U.S.C. §112.

Reconsideration and allowance of claims 1-9, 11-14 and 16 are respectfully requested, as are initial consideration and allowance of new claims 23-31.

If the undersigned can be of any assistance in advancing the prosecution of this application, the Examiner is invited to contact the undersigned by using the information provided below.

Fees

This submission is being timely filed, and this no extension fee is believed to be due. However, the number of new claims being added herein (nine total new claims being added, two of which are independent) exceeds the number of claims being canceled herein (seven total claims being canceled, two of which are independent). Thus, a check for \$100.00 is enclosed herewith to cover the fees due for the two net added dependent claims in excess of twenty. The Commissioner is hereby authorized to charge any necessary fees associated with this submission, or credit any overpayment, to Deposit Account No. 50-0289.

Respectfully submitted,



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